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**JAN 28 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Eva Ingegerd Ejerhed et al :  
Application No. 09/599,563 : NOTICE  
Filed: June 23, 2000 :  
Attorney Docket No. 003300-650 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This file no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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In re Application of	:
Eva Ingegerd Ejerhed et al	:DECISION ON REQUEST FOR
Application No. 09/599,563	:LATE CLAIM FOR PRIORITY
Filed: June 23, 2000	:UNDER 37 CFR 1.55(a)
Attorney Docket No. 003300-650	:

This is a decision on the request under 37 CFR 1.55(a), filed January 10, 2005, for entry of priority papers submitted after the date the issue fee was paid.

The request is granted.

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119.

The priority papers are accepted as timely filed and have been placed of record in the file.

Since the instant application issued into a patent on January 11, 2005, the priority data could not be printed on the patent. Accordingly, petitioner may request a certificate of correction under 35 U.S.C. § 255 and 37 CFR 1.323 and pay the \$100 fee therefor.

Any questions concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
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